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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,121	01/16/2001	Robyn R. Levine	END920000173US1	2906
<div>7590 10/25/2010</div> <div>John R. Pivnichny IBM Corporation, N50/040-4 1701 North Street Endicott, NY 13760</div>				
EXAMINER				
RETTA, YEHDEGA				
ART UNIT		PAPER NUMBER		
3622				
MAIL DATE		DELIVERY MODE		
10/25/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/761,121

Applicant(s)

LEVINE, ROBYN R.

Examiner

Yehdega Retta

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 24-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This office action is in response amendment filed September 9, 2010. Applicant amended claim 24. Claims 24-30 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. U.S. Patent No. 6,101,486 in view of Lee et al. U.S. Patent No. 6,829,475.

Regarding claims 24 and 27, Roberts teaches an access device having connectivity to a supplier advertising computer and said access device (see col. 5 lines 25-40), said advertising computer executing instructions on a processor to provide a web site accessible by said user via said access device, that when executed: determines constraints for said access device (see col. 5 lines 25-40); retrieves a profiled past of said user; retrieves current actions of said user; creates a vision of core competencies of said supplier based on said access device, and said profiled past, and said lifestyle view data, and said current actions; develops an opportunity consistent with said vision by merging said vision of core competencies with said supplier's channel awareness (see col. 6 line 60 to col. 7 line 16); and delivers said opportunity to said user via said connectivity to said access device (see fig. 3&4, col. 4 lines 24 to col. 5 lines 40, col. 6 lines 12 to col. 7 line 46). Robert teaches delivering an opportunity to user by creating a vision of a supplier's core competencies based on constraints of said point of contact and profiled past and

current action (personalized or customized information message) (see col. 6 line to col. 7 lines 10), consistent with the vision by merging together and optimizing said vision with the suppliers channel awareness (providing voice communication with the customer (see col. 5 line 25 to col. 6 line 11). Robert failed to teach that the access device having a location indication capability and wherein said location indication capability is a real time GPS receiver. Lee teaches GPS receiver 110 that continuously reports the vehicle's longitude, latitude and altitude, location indication and providing advertisements (col. 11 line 60 to col. 12 line 3). Lee teaches providing mapping services to the vehicle showing travel routes or locations of interest and coupled with the advertising database drivers can see map locations related to recent advertisements and get navigation guidance to these locations. For example, the driver could get directions to the nearest chain restaurant whose commercial just played offering a lunch special. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a location enhanced advertisement or opportunity, as in Lee, in Robert's customized marketing message in order to provide the advantage taught by Lee. Robert's also failed to teach purchasing lifestyle view data from a firm. Official notice is taken that is old and well known to acquire user's profile (lifestyle view) from a third party, such as ISP. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to acquire (purchase) the information from a firm (thirdparty) since it can be time consuming for each business to collect, store and process the information and the business might not be expert in modeling the input data and might fail to apply sufficient resources to properly use the information. (for the official notice support see Nascenzi et al. US 6,879,960, col. 1 lines 20-57, col. 6 line 8 to col. 7 line 11).

Regarding claim 25, Roberts teaches the system of claim 24, wherein said access device is a cell phone, kiosk, personal digital assistant such as a palm top device, a laptop computer, a desktop computer, or a computer terminal (see col. 5 lines 25-40).

Regarding claim 26 Roberts teaches wherein said connectivity is a modem, digital modem, high speed lines, or wireless connection (see fig. 1 and col. 5 lines 25-40).

Regarding claim 28 Roberts teaches the profile past including demographic data (see col. 4 lines 33-67).

Regarding claims 29 and 30, Roberts teaches that said current actions includes transaction, wherein the transaction includes purchases or payment or returns (see col. 4 lines 33-44, col. 5 lines 1-24 and col. 6 line 36 to col. 7 line 9).

Response to Arguments

Applicant's arguments filed September 9, 2010 have been fully considered but they are not persuasive.

The rejection of 112 is withdrawn.

Regarding the rejection under 103 (a), applicant states that the Examiner takes official notice that it is old and well known to acquire user's profile (lifestyle view) from a third party, and cites Nascenzi (U.S. 6,879,960) col. 1, lines 20-57, col. 6, line 8 to col. 7, line 11 for support of the official notice. Applicant argues that Nascenzi describes her claim 24 requirement of retrieving purchased lifestyle view data specifically for said user. Applicant further argues that the data described by Nascenzi is not specific for a particular user. Nascenzi describes geographic buying preferences. Nascenzi also describes neighborhood type and block group (the smallest geographic area averaging about 300 households) data from a U.S. Census database. But

there is no description in Nascenzi of Applicant's recited lifestyle view data and no description in Nascenzi of Applicant's lifestyle view data specifically for said user.

According to applicant's specification the profiled past of step 14 may also comprise retrieving purchased data whether or not a part of the demographic profile or any other profile. Applicant further discloses that **various firms provide data for purchase** which is grouped or keyed to presenting a lifestyle or lifestage view of users by block or group or some baseline parameter ... the purchased data presents a view of the user based on aggregation of data points such as, but not limited to geographic block, age of head of household, income level ... Whether Nascenzi patent was filed a mere six weeks before applicant's application, Applicant's own admission indicates that the feature was well known. In addition to applicant's admission Nascenzi also teaches the well know feature. Nascenzi teaches that the geodemographic databases are well known in the art and those from PRIZM which is a reliable and accurate lifestyle segmentation system ... based on demographic and lifestyle factors that best define a neighborhood type and predict **customer behavior** including a social rank, ...

Same as Applicant's specification Nascenzi teaches that PRIZM's assignments are built from the block group, the smallest piece of standard census geographic for which information available... (see col. 6 line 8 to col. 7 line 12).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Yehdega Retta/

Primary Examiner, Art Unit 3622